

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – April 11, 2006 – 6:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Ted Jensen, Chair
Angelo Calacino
Scott Bolton
Blaine Smith
Dama Barbour
Robert Daniels

Excused: Kristie Overson
Joan Rushton-Carlson

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Nick Norris, City Planner
Jean Gallegos, Admin Asst/Recorder

PUBLIC: Boy Scout Troop 613, Edward Lloyd, Joseph Van, Lorrie Fox, Jeaneal Sumsion, Leslie Nelson, Roslyn Peterson, Guy Peterson, Lani Blake, Chy Heller, B. Acuman, Ryan Hinman, Katie Larsen, Gonzalo Stevens, Kim Pehrson, Gilbert Pehrson, Rey P. Roa, Michelle Pinkston, Valerie Colby, Michael Baggitas, Susanne Oliver, David Jones, Traci Jones, Brandon Francis.

19:04:38

WELCOME: **Commissioner Jensen** welcomed those present, explained the process to be followed this evening and opened the meeting at 6:40 p.m. He outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them

CONSENT AGENDA

1. 9H06 – Ryan Hinman, 1354 W. Beacon Hill (5400 South) – Photography Studio. (Dan Udall/City Planner)	Approved with staff recommendations (on file).
2. 10H06 – Chykori Heller, 6487 S. Andes Way (2970 West) – Hair Salon. (Nick Norris/City Planner)	Approved with staff recommendations (on file).
3. 9C06 – Edward Lloyd, 4026 W. Misty Drive (6410 South) – Oversized Accessory Building (Preliminary). (Nick Norris/City Planner)	Approved with staff recommendations (on file).
4. 11C06 – Sprint Spectrum, 3232 W. 6200 South) – Extend Monopole from 60' to 80' High (Preliminary). (Nick Norris/City Planner)	Approved with staff recommendations, with stipulation outlined below.

MOTION: **19:09:17 Commissioner Daniels** - I move for approval of the Consent Agenda, Items 1 through 4, with stipulation on #4 that Sprint Spectrum provides staff with a copy of their master plan for cell towers within this City.

SECOND: **Commissioner Barbour.**

VOTE: **19:09:55.** All Commissioners present voted in favor. Motion passes unanimously.

HOME OCCUPATIONS

5. 11H06	<u>Rey Roa, 1441 W. Brook Ridge Lane #101 (4740 South)</u> – Piano/Voice Lessons Home Occupation (Dan Udall/City Planner)
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19:10:34

5.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a piano/voice studio home occupation within the Settler's Point apartment project. There will be up to two clients coming to the home each day during school months. During the summer there will be between 7 and 8 clients daily. There will only be one client at a time and hours of operation would be from 8:00 a.m. to 8:00 p.m. The unit is located on the bottom

floor of the apartment complex. At issue may be the noise generated by this use and the hours of operation requested. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The home occupation is subject to review upon complaint.
3. That only one client can come to the home at a time. That up to two clients can come to the home per day during school months. That up to eight clients can come to the home during the summer months (June to August).
4. That the only signage allowed is a three square foot sign attached to the single-family home.
5. That adequate parking be provided on site to accommodate the applicant's vehicles and customer vehicles coming to the home.
6. That customers can come to the home only between the hours of 8:00 a.m. to 8:00 p.m.
7. That the applicant lives in the home and only the applicant residing in the home can be employed for the occupation.
8. Business must be conducted on an appointment only basis.
9. **[Added by Motion] That days of operation will be allowed Monday through Saturday.**

5.2 **APPLICANT ADDRESS:** Rey Roa was present to answer questions. Commissioner Daniels asked if he had spoken with his neighbors about the possible noise problem and Mr. Roa said that he practices a lot and has received no comments from his neighbors. Commissioner Daniels wanted to make sure that Mr. Roa knew that if the neighbors subsequently do complain, that it could be cause to revoke his home occupation approval and Mr. Roa advised he was aware of that and felt it would not be a problem. 19:14:52. Commissioner Calacino asked if he would be agreeable to the stipulation that he could only operate on Fridays and Saturdays or would he prefer to have the option of being operational Monday through Saturday. Mr. Roa said he would prefer Monday through Saturday at least during the summer as this would be his main source of income. 19:15:57.

5.4 **SPEAKING:** No one.

5.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:**

5.6 **MOTION:** Commissioner Barbour - I am comfortable with this and noting that this is subject to review complaint, I am prepared to recommend approval of File #11H06 with staff recommendations. 19:16:53
SECOND: Commissioner Daniels
Commissioner Jensen restated the motion. There is a motion by Commissioner Barbour to approve Agenda #11H06 with staff recommendations, along with a second by Commissioner Daniels.
DISCUSSION: Commissioner Bolton - Mr. Chair, may we add condition #9 that approval is granted for Monday through Saturday? Commissioner Barbour said she was agreeable with that condition being added, as was Commissioner Daniels.
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

6. 12H06 <u>Jeaneal Sumsion, 5129 S. Autumn Park Drive (2310 West)</u> – Beauty Salon Home Occupation (Michael Maloy/City Planner)

19:18:29

6.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant is proposing to operate a home occupation beauty salon from her home during the hours of 8:00 a.m. to 8:00 p.m., Monday through Thursday and on Saturday. This is a new subdivision and her home is nearing completion, with a three car garage and triple wide driveway. There is also a concrete parking pad for an RV. There will be an exterior stairwell to the basement with a separate entrance. Staff did have concerns with the number of clients contemplated, however, there is adequate parking available and **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City (i.e., City Building Official, Fire Marshall, Business Licensing, etc.)
2. Applicant must comply with all applicable regulations for a Home Occupation Class C Permit (13.57.050 and 056).
3. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Saturday.
4. Beauty salon services shall be offered by appointment only and no more than two appointments shall have overlapping time allotments.
5. Home occupation is subject to revocation procedures if business operations are found to be non-compliant with City regulations or the City is in receipt of a substantiated and unresolved complaint.

6.2 **APPLICANT ADDRESS:** Mrs. Sumsion was present but did not speak.

6.4 **SPEAKING:** Gil Pehrson (Lives on Whitaker Drive, north of this site). [19:21:34](#) Mr. Pehrson advised that he had attended a meeting when the homes were proposed. That proposal included that there would be a street coming from the north and a street from the south to enter this property. At the time of that proposal, the property where the houses are being built and the property south of that were not the same because the south property has not been sold and is still being used to grow hay thereon. Therefore, all the 15 new houses have access through one street. He had no problem with the applicant putting a beauty salon in her home but did have a problem with the increase in traffic. He asked that stop signs be installed to control the traffic. [19:23:02](#)

6.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:** Commissioner Jensen asked Mr. McGrath if he could address the issue Mr. Pehrson brought up about installation of stop signs. Mr. McGrath asked Mr. Pehrson to clarify exactly where he would like the stop signs installed and Mr. Pehrson indicated the location on the site plan. Commissioner Calacino felt that this is an issue that the City Engineer should address, to which Mr. McGrath agreed and said he would have the City Engineer, look at the location for his recommendation. [19:25:31](#) Mr. Maloy commented that when the subdivision was proposed, the field to the south was not included as part of the proposal, however, a stub was added in case that ever does develop so there would be another access.

6.6 **MOTION:** [19:27:27](#) Commissioner Calacino – I move for approval of Application #12H06 for a hair salon based on findings of fact provided by staff and oral testimony, with the five conditions included in the staff report.

SECOND: Commissioner Bolton [19:27:56](#)

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

7. 13H06	<u>Brandon Francis, 1328 W. Stern Drive (6170 South)</u> – Pre-School Home Occupation (Michael Maloy/City Planner)
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[19:28:59](#)

7.1 Mr. Maloy oriented on the site plan, aerial map and images. This application is to relocate an existing pre-school from another area into this new home. The applicant is requesting permission to teach up to 12 children per pre-school session, which will be offered each Monday, Tuesday, Thursday and Friday from 9:30 a.m. to 12:00 p.m. and again from 12:15 p.m. to 2:30 p.m. **Staff recommends approval with the following conditions:**

1. No more than 12 children may receive preschool instruction per session.
2. No more than two preschool sessions may be conducted at the residence per day and only within the prescribed hours of operation.
3. Hours of operation shall be limited to 9:30 a.m. to 12:00 p.m. and from 12:30 p.m. to 3:00 p.m. on Monday, Tuesday, Thursday and Friday of each week.
4. Applicant must maintain compliance with operational requirements for a Class D4 Home Occupation as per City Code 13.57.050 and 13.57.057.
5. Applicant will schedule "drop-off" and "pick-up" of children to ensure adequate availability of driveway space for patrons of the preschool business.
6. Home occupation is subject to revocation procedures if business operations are found to be non-compliant with City regulations or the City is in receipt of a substantiated and unresolved complaint.

7.2 **DISCUSSION:** Mr. Maloy advised that subsequent to this meeting, Mr. Francis submitted a written addendum asking to change his hours of operation to 9:00 or 9:30 a.m. to 11:30 a.m. or 12:00 noon. The afternoon class would start at 12:00 or 12:30 p.m. and end at 2:30 or 3:00 p.m., with the assurance that there would be a 30 minute break between classes. He also wanted to add Wednesdays in case future usage increases the number of students.

7.3 **APPLICANT ADDRESS:** Mr. Francis was present to answer questions. Commissioner Bolton asked Mr. Francis to clarify the gap in suggested times (i.e., 12:00 or 12:30). Mr. Francis explained that right now they are doing two hour sessions with 15 minute breaks in between. With this application, they are increasing the break to 30 minutes. Mr. Francis advised that his start time would probably be 9:00 a.m. and second session ending at 3:00 p.m. [19:33:14](#) Commissioner Smith commented that the applicant will have a double wide driveway and is installing a pad alongside that. His question was, how much cement is allowed in the front of a home. [19:34:14](#) Mr. Maloy said that the maximum drive approach is 30' or 35' depending on which part of the code is referenced. The parking pad can be in addition to the width of the driveway as long as it doesn't widen the approach. [19:34:43](#) Commissioner Daniels indicated that the original application did not include Wednesdays and now that has been added. Mr. Francis said that was just to add the option of having Wednesdays if the need arises later on.

7.4 **SPEAKING:** No one.

7.5 **CLOSED – DISCUSSION OR A MOTION.**

7.6 **MOTION:** 19:35:50 Commissioner Bolton – I move for approval of Application #13H06 for a Class D Home Occupation Permit based on the information provided this evening as well as the facts and findings in Staff Report, subject to the six staff recommendations with a modification to #3 to limit the time from 9:00 a.m. to 3:00 p.m. Monday through Friday of each week.
SECOND: 19:36:17 Commissioner Calacino
Commissioner Jensen restated the motion. 19:36:40
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

CONDITIONAL USE

8. 12C06 <u>City of Taylorsville</u> - Site Improvements at the Taylorsville Bennion Heritage Center – 1488 West 4800 South (Dan Udall/City Planner)
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19:37:27

8.1 **Mr. Udall** explained that the City of Taylorsville is proposing to install site improvements for beautification, recreation and educational reasons. The City desires to provide site improvements in two phases and the application this evening is for the first phase, which is a concentration of efforts on the southeast side of the property where the museum is currently located. **Staff recommends approval of the preliminary conditional use application with the following findings:**

1. The proposed project with conditions meets the current general plan.
2. The proposed project with conditions meets the zoning ordinance.

Staff recommends approval of the preliminary conditional use application with the following conditions:

1. Receive approval from and remain complaint with all applicable reviewing agencies.
2. That City Planning Staff approves the final conditional use application for Phase One.
3. That a hedge is planted along both sides of the sidewalk leading from 4800 South to the porch of the museum and that the existing shrubs be removed and grass be installed in the park strip.
4. That the solid barrier fence along the east property line represents a fence used during the “turn of the 20th Century”.
5. That the modifications to the zoning ordinance, including the number of parking stalls, the graveled vehicle access and parking lot, the lack of landscaping along the east perimeter fence in the parking lot and the number of trees plated along the frontage is waved contingent upon the site being designated historic (City Council approval).
6. That the pillars along the fence adjacent to the sidewalk be treated with material(s) that typifies the “turn of the 20th Century” architecture.
7. That the applicant receives a building permit for the sign.
8. **[Added by Motion] Recognize that this is preliminary review of Phase One.**
9. **[Added by Motion] That an overall phasing plan be submitted and a master plan for the entire development be created.**
10. **[Added by Motion] That trees be included along 4800 South.**
11. **[Added by Motion] There should be at least a minimum of a 5’ wide landscape buffer between any parking and abutting properties.**

12. [Added by Motion] The driveway and parking area will be graveled in order to maintain the historical character of the site, however, that the first 30' at the entry be paved to reduce dust, gravel and mud tracking onto 4800 South.

8.2 **APPLICANT ADDRESS:** Presentation made by Community Development Staff.

8.4 **SPEAKING:** No one spoke.

8.5 **CLOSED – DISCUSSION OR A MOTION:** **Commissioner Barbour** asked that someone from staff address the issue of the gravel rather than concrete access and parking area. **Mr. Udall** advised that there is a current graveled access that the City will use and the graveled parking lot will be located behind the accessory buildings. **Commissioner Barbour** said that she realizes that this is an important property for the City and citizens as well. However, that over many years she has seen many people stand before the Commission and ask for gravel parking and have been turned down as not being in accordance with City ordinances. [19:44:22](#) She wanted to know why this project was different. **Mr. Udall** said that if this becomes a historic site, modifications can be made according to the historic committee ordinance, therefore, the parking lot would not have to be asphalt or concrete. **Commissioner Barbour** said that she still has concern over making the citizens do something that the City is given an exception to. **Mr. Udall** said in this case there is justification to do so. **Commissioner Smith** added that because there was a lot more gravel when those buildings were constructed, it is appropriate to use gravel. **Commissioner Calacino** talked about the phases. He wanted to know if what was being discussed tonight was Phase One of improving the entire 2.5 acre soon to be historic site, which Mr. Udall indicated was correct. **Commissioner Calacino** asked if development of Phase One would be completed in stages. **Mr. Udall** said Phase One would consist of three different stages. **Commissioner Calacino** [19:45:46](#) said that if approval is given this evening, could it be simplified by saying that the Commission grants approval of Phase One development, which consists of the site plan shown and renderings within Phase One, knowing that it will be completed in stages and those stages can be reviewed/approved by Staff unless there is a drastic change from the proposal. **Mr. Udall** advised that was also correct. [19:48:11](#) **Commissioner Calacino** went on to say that on the issue of the gravel versus asphalt/concrete, he agreed with Commissioner Barbour as to whether or not the City should be exempt or not but that there did exist an option that would allow the Commission to allow an exemption if it chooses to do so. He recommended that if that exemption is given, to require that at least the first 30 feet into the site be paved to reduce the tracking of gravel and mud onto 4800 South during inclement weather. There might also be a stipulation given that the driveway and all future parking may be paved as it develops in stages. **Commissioner Barbour** still had concerns over allowing public parking to be gravel when there are other historic sites within the City where it has not been allowed. **Commissioner Daniels** offered a compromise allowing the large portion of the parking lot to be gravel to maintain the character of the property but to include a paved portion at the entryway to fit in with the rest of the City. He said it would have been helpful to hear from a representative from the City Administration on this issue. [19:48:53](#)

- 8.6 **MOTION: 19:50:02 Commissioner Calacino - I move to grant preliminary approval of Application 12C06 for Phase One site improvements at the Taylorsville-Bennion Heritage Center as depicted on the site plan before us and associated site improvements, including a gazebo, fencing, so forth, based on findings of fact, oral testimony and Staff Conditions 1-7. I also would like to add a few conditions, i.e., 19:50:45 Recognizing that we are basically granting approval of Phase One, which will be constructed in stages, I recommend that as Condition #8 we acknowledge that as such and would like to recommend that as Item #9 we have an overall site development phasing plan presented to the City for review. #10 would be that we do have trees planted along 4800 South as the overall improvements, which can be done as one of the stages of Phase One improvement. I disagree with not having trees out there. Other developments are required to have trees, therefore, this one should also. They can plant them in a manner according to the overall site improvement. #11, that there should be at least a minimum of a 5' wide landscape buffer between any parking and abutting properties. So this site should be slightly amended to accommodate that. #12 19:51:51 - At this point in time, it is understood that the driveway and parking area will be graveled and maintain the historical character, however, the first 30' at the entry be paved to reduce dust, gravel, mud tracking onto the public road, 4800 South.**
SECOND: Commissioner Smith 19:52:08
Commissioner Jensen restated the motion. [19:52:31](#) We have a motion by Commissioner Calacino to give preliminary approval to Item 12C06, site improvements on Taylorsville-Bennion Heritage Center, with the first seven staff recommendations, further adding #8 to make it Phase One, #9 to come in with an overall phasing plan, #10 to include trees along the major highway there, #11 to have a minimum of a 5' landscape buffer between properties, #12 to have the first 30' of the entrance way to be paved. Second by Commissioner Smith.
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

Commissioner Calacino – Point of clarification. I forgot to make it a condition but Staff has the right to review all the stages of Phase One for approval and it only needs to come back to the Commission if those phases are not matching the approved master plan which we approved tonight. 19:53:35

CONDITIONAL USE/SUBDIVISION

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| 9. 46C05 <u>Ivory Development, 3200 West 6200 South</u> – Proposed Residential Planned Unit Development Containing 38 Units. (Preliminary) (Nick Norris/City Planner) |
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| 10. 5S06 <u>Ivory Development, 3200 West 6200 South</u> – 38 Lot Residential Subdivision – 3200 West 6200 South. (Nick Norris/City Planner) |
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NOTE: With permission of the Planning Commission Chairman, both Items 9 and 10 will be heard at the same time.

9.1 **Mr. Norris** oriented on the site plan, aerial map and images. In February, 2006, the Planning Commission granted preliminary approval to this project with a list of conditions. The major conditions of approval included making the road a public road and calculating the density based on the net land area, excluding the area for commercial uses and the road. The submitted site plan indicated 37 dwelling units. The approval reduced that number to 28. Since that approval, the applicant has submitted an appeal to the City Council. They have also submitted an amended application for review. This application removes the commercial area and adds more land to residential uses. The site plan shows 38 residential units. The applicant is applying for a PUD as a Dwelling Group. The PUD ordinance allows the Planning Commission to waive or alter one or more of the regulations, other than use regulations of the zoning district in which the development is located. In this particular case, the applicant is asking to modify the definition of a Dwelling Group, specifically the portion of the definition that deals with ownership. The Dwelling Group is defined as “a group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard or court in common.” Planned Unit Developments are conditional uses in the C-2 Zone provided the underlying uses are listed as either permitted or conditional uses. Because a dwelling group is listed in the C-2 Zone as a conditional use, the use is allowed in a PUD in the C-2 Zone. In addition to removing the commercial element, the uphill units have been rotated 90°. The number of units per building has changed. The original site plan showed either 3 or 4 units per structure. This site plan shows a two unit structure as part of the downhill units and the rest of the structures have four units each. Also, the western most downhill unit has been shifted to the east so that there is a greater distance between it and the northern most single family home in Ivory Highlands Phase 10. The roadway is 30 feet. Additional paths have been added to the site to improve the overall pedestrian connectivity.

Staff recommends preliminary approval of the amendments to Application 46C05 with the following conditions:

1. That all building locations be constructed with the setbacks shown on the submitted site plan.
2. That walkways be installed from the rear entry of the downhill units to the existing trail along 6250 South.
3. That a detailed landscaping plan be provided as part of the submittal for final approval. The plan shall include the location, species and planting size of all trees and shrubs and also indicate all areas that are to be planted with sod, flowers, other plants, and all non-living landscaping materials (walkways, pavers, stone, etc.)
4. That no vegetation blocks the clear view at an intersection with a public street. Trees may be planted within the clear view provided they are trimmed high enough to allow visibility to pedestrians and motorists.
5. That a fence be installed along 6200 South and 3200 West. The fence shall be an open design that does not block visibility into the site. The fence shall be a minimum of 3 feet high and no taller than 4 feet except in the area adjacent to the tot lot, where the fence may be up to 6 feet high.
6. That the applicant and the City Engineer reach an agreement on any sort of traffic management that may be needed at the intersection of the private drive and 3200 West and the intersection of Cisco Ridge Road and 6200 South. If an agreement cannot be reached, the Planning Commission shall review the intersections and make a decision on the matter.
7. That street lighting is installed along the private drive in suitable locations.
8. That a sidewalk be installed along 3200 West. The sidewalk shall meet all City requirements and connect to the existing sidewalk at the intersection of 3200 West and 6200 South and to the portion of the Ivory Highlands trail along 3200 West.

9. That a park strip be installed by the applicant along 3200 West and that the park strip include street trees that are suitable for the location.
10. That the stamped concrete along 6200 South be removed and planted with suitable landscaping materials and an automatic irrigation system be installed in the park strip.
11. That no fences be installed along 6250 South that would reduce the connectivity to the existing trail in Ivory Highlands Phase 10.
12. That additional amenities be included by the applicant at the tot lot, including benches and garbage cans.
13. That staff grants final approval.
14. **[Added by Motion] That the road be a public street and applicant is encouraged to submit an exception request to the roadway standards ordinance to modify the right of way width to accommodate the minimum necessary to make it a public right of way, which more than likely would be 30' to back of curb to back of curb, possibly 32' to allow a foot from back of curb to back of curb for the future right of way line.**
15. **[Added by Motion] Due to the road now being public, the density should be calculated less the right of way area once the right of way has been determined.**

9.2 **APPLICANT ADDRESS:** **Chris Gamvroulous** spoke saying that the concept plan is a negotiated agreement with City Staff. [19:59:14](#). A lot of time and effort has been put forth and at great expense to Ivory Development, the decision made to remove the commercial corner. [19:59:58](#) He expressed hope that the Planning Commission appreciates that effort. Ivory Development representatives have talked with the City Engineer about the traffic island and felt that doing that would increase traffic through the neighborhood. **Mr. Gamvroulous** would like to have the flexibility to see if the study bears out the City Engineer recommendation. [20:01:57](#) The downhill units are designed for those with empty nests and all those units must be maintained in tact. He was also not prepared to move the open space from the uphill area to the down hill sector due mostly to the slope issues. Regarding fronting the downhill units to the older subdivision, the slope is a factor in marketability. [20:04:02](#). It is anticipated that the master bedroom would be on the main floor and that is how these units are designed. However, that the south sides of those buildings will be very attractive with four-sided architecture. On the uphill units, there will be a front door element on the main level facing out onto 6200 South but they will not be oriented towards the downhill units.

- **Commissioner Bolton** wanted to know if this project would have its' own home owners association or would it enjoin with Ivory Highlands. **Mr. Gamvroulous** advised that the neighbors will be allowed to vote and make that choice. His feeling was that for community continuity it would be nice to include it with Ivory Highlands but that it can work either way. [20:05:47](#)
- **Commissioner Barbour** [20:06:32](#) asked how the ballots would be tallied and **Mr. Gamvroulous** indicated that it would be by simple majority vote.
- **Commissioner Jensen** [20:07:03](#) asked if the decision had been made whether it would be a private or public road system and **Mr. Gamvroulous** [20:07:21](#) advised that at this point it would be a 30' standard private roadway. That the garbage and mail delivery station would be centralized pick up points.
- **Commissioner Barbour** [20:08:03](#) asked why they didn't just pull it out and make it stand alone and have the private road, with owners taking care of their own development. That way the mixing of private/public roads would not occur.
- **Mr. Gamvroulous** [20:08:45](#) advised that it is not mandated that Ivory Highlands accept this project as part of their home owner's association. If Ivory Highlands brings them in, this community will be a sub-association with their own covenants, budgets, etc. This is definitely a different type of project and all landscaping would have to be maintained by their home owner's association. If they are brought into Ivory Highland's home owners association, a portion of what is collected will go towards the amenities, i.e., walking trails. If it is separate, it doesn't change things that much except that they will not be able to participate in HOA activities and won't be able to reserve the club house or pool.
- **Commissioner Barbour** [20:09:46](#) expressed an issue with a development having one private road and everything else being public. If it were a stand alone project, there would be no issue. **Mr. Gamvroulous** [20:10:28](#) disagreed with that premise saying that functionally this proposal is a hybrid and the road at issue is more accurately described as an alley. This is not an R-1-8 subdivision and that is why the road is looked at differently, as is the landscaping. The asphalt width from back of curb to back of curb is the same as a standard public road.

9.4 **SPEAKING:** **Commissioner Jensen** opened the public hearing for citizen input on both Application #46C05 and #5S06: [20:12:28](#)

1. Written submittal from **Aimee Newton** (Ivory Homes resident) via E-Mail, expressed concerns over the proposed fence, lack of adequate guest parking and was in favor of leaving this project out of the Ivory Highlands Home Owner's Association due to the high density
2. **Dave Lamb** - **President of HOA Advisory Committee**. [20:13:04](#) He agreed with having the park location where it is now suggested and was in strong favor of a traffic study being conducted. [20:13:49](#) He felt that the residents of Ivory Highlands should make the decision as to whether or not this project is included in their home owner's association and added that parking was a great concern with this many units and to accommodate their visitors. He was also in favor of installation of a fence between 6250 South and the town homes. **Mr. Lamb** wanted to go on record in favor of making the road public.
3. **Valory Colby**. **Mrs. Colby's** concern is the density and felt that 38 units was too many. [20:17:10](#) That Ivory Highlands residents would embrace having homes similar to theirs. She also expressed opposition to having a private road feed into a public road and was worried about the lack of adequate parking to accommodate the density proposed.
4. **Spencer Colby**. [20:18:49](#) **Mr. Colby** felt the only reason for the private road was in order to increase the density of the project.
5. **Mr. Gamvroulous** [20:19:23](#) commented on the parking issue saying that each unit will be provided with four parking spaces, which is double the requirement for a dwelling group. [20:20:00](#) He was opposed to putting in a fence as it would defeat the proposed continuity and stated that whether the road is public or private did not impact the density calculation and that density is a dead issue. That Ivory Development did not have a preference one way or the other about the road status and that the difference in home owner's association dues would cover the increased maintenance.

9.5 **CLOSED FOR DISCUSSION:**

- **Commissioner Barbour** advised that she would like to hear the results of the vote made by Ivory Highlands residents on the home owner's association issue. [20:23:07](#). This project needs to be part of Ivory Highlands with a public road or stand alone with a private drive. A 30' wide road is considered a standard road.
- **Commissioner Bolton** [20:23:38](#) asked for clarification from staff on the density calculations for a PUD. If it is a public road would it be part of the density calculations or is it removed there from. [20:23:56](#) **Mr. McGrath** responded that it did not matter if it is a PUD or a standard subdivision, if it is a public road that land is not counted towards density calculation. If it is a private road it is counted. **Commissioner Barbour** said that means it does come down to density. **Mr. McGrath** advised that the bottom line is a decision as to whether it is a public or private road will affect the density.
- **Commissioner Calacino** [20:24:35](#) commented that is a valid point because if that were a public road and the density dropped to 27 units, the home owner's association in Ivory Highlands would probably be more likely choose to have that area as part of their overall development. Then everyone would be living on a public road and the open spaces would be maintained and paid for by all the residents. [20:25:00](#) If it is private, it will need to stand on its own because Ivory Highlands would probably exclude the area from their association. If the applicant can say that certain things should be done in the development to maintain the continuity, cohesiveness of the overall Ivory Highlands development, then the road should be a public road built to that standard and the density should be accordingly, whether the units are attached or detached is really the only issue that is not an issue. The number of units is based on the land that is available.
- **Mr. Gamvroulous** [20:26:32](#) wanted to clarify that the result would be that road would drop to a 20' wide width and become a private road with 38 units. The figure of 27 units was when there was a commercial element, which no longer exists. He advised that he would come back and appeal any contrary decision by the Commission.
- **Commissioner Jensen** [20:27:03](#) asked if could stay the way it is, keep the same density and still be a public road. **Mr. Gamvroulous** said yes, that is the reason why it was designed with the 30' width

standard so that would not be an issue. However, it becomes an issue, the road will be reduced in width, be a private road and there will not be a vote. **Commissioner Jensen** asked when the vote was to happen and **Mr. Gamvroulous** said that the ballots were to be mailed within two days and the results to be within 30 days. He continued on the say that this has been heavily debated and is not something that Ivory Development will back off on in anyway. The only question on the ballot is whether or not to include this project in their home owner's association and allow them to use the pool and club house and collect the fees. [20:28:36](#)

- **Commissioner Barbour** commented that whatever the home owner's association decides has no bearing on the Commission's decision this evening. The Commission should make a decision as to whether this part of the development will be line with the rest of the development or not. She added that the Commission should not be too concerned with the applicant's threats. [20:29:36](#).
- **Commissioner Calacino** [20:30:23](#) said that he agreed with Commissioner Barbour's comments and took personal offense at the implied threats made by this developer. He added that the applicant has due process if he disagrees with Commission decisions. The Commission is just trying to do the best they can based on City Ordinances.
- **Commissioner Smith** [20:30:39](#) felt that the Commission should do whatever it can to protect the original Ivory Highlands owners. This project should conform to what the original residents bought into. In his opinion, it was a travesty to foist the high density off on these residents.
- **Commissioner Bolton** [20:31:25](#) wanted to know if Taylorsville has had a history of accepting private roads as public. [20:31:45](#) **Mr. McGrath** advised that to his knowledge, it happened only once before in a project along 40th West near the Post Office and the City chose to accept it after it was brought up to City standards.
- **Commissioner Bolton** [20:32:50](#) advised the whole conflict about the public/private road was over density. He wanted to know how the City can protect itself in the future since the proposed road is currently designed to public standards. **Mr. McGrath** said that the City Council doesn't have to accept the road if they choose not to.
- **Commissioner Calacino** [20:33:44](#) commented that the standard is a 50' right of way (30' back of curb to back of curb with a 5' wide park strip and 4' wide sidewalk. The reasoning for the 50' right of way is to accommodate the sidewalk and park strip but the travel surface is 30' wide) The Ordinance does not allow exceptions to the right-of-way, so if an exception is made to do away with the sidewalk and one is granted, there is no need for a 50' right-of-way. In this particular case where the alignment of the road doesn't necessarily warrant the sidewalk, there could be a petition made to reduce the right-of-way to possibly 35' and still build the road to City standards. The only difference would be there would be no sidewalk. It would still be a public street built to public standards with a narrower right-of-way. Subtract out right-of-way lines to determine density. **Commissioner Jensen** indicated that if it was done that way, it would be as proposed now, with the only change being to change the private road to public. **Commissioner Calacino** clarified that statement saying that if the roadway could be modified with a smaller right-of-way, it would be the same plan but it would be a public road. However, it may decrease the density calculations by one or two units. **Mr. McGrath** advised that if the proposal were to be modified to a public right-if-way, they would lose about four units, which is what the original decision by the Planning Commission was.
- **Commissioner Barbour** [20:36:26](#) said that one charge given to the Planning Commission is safety, which she felt was the biggest concern with this proposal in that there will be safety issues created. [20:36:47](#).
- **Commissioner Jensen** [20:37:06](#) asked if there were any chance this would end up a dead end road. **Mr. McGrath** said that strictly from a planning and transportation perspective, he could not advocate doing that. Technically it would be illegal based on City Code and the number of units involved. From a general transportation/planning perspective, the more connectivity you have, the better. [20:37:33](#) **Commissioner Jensen** supported that statement, based on work the Ordinance Review Committee did recently on Title 10 relative to traffic.
- **Mr. Norris** [20:38:11](#) added that under the Dwelling Group ordinance a private road is required, however, the Planning Commission may waive that. He felt that adding right in/right out signage would eliminate any cut-through traffic.

- **Mr. McGrath 20:38:47** explained the motion needed for Item #9 saying that it is for the Planned Unit Development, a request to amend the original proposal and original decision by the Planning Commission. A motion needs to be made whether to approve, deny or continue the application and the Commission has the ability to place justified conditions on the approval.

9.6 **DISCUSSION: Commissioner Calacino** asked if the applicant could appeal a preliminary decision, to which **Mr. McGrath** said that they can appeal a preliminary decision because this is essentially where vested rights are granted to the developer. **Commissioner Jensen** wanted to know if the Commission could make the recommendation to change the private road to be public. **Mr. McGrath** advised that the Commission could place a condition that the road be a public road based on the fact that the other roads in the development are public. **Commissioner Jensen** commented that he liked the proposed site plan but felt it was in the City's best interest to have a public road, however, there may not be a need for curbs and sidewalks. **Mr. McGrath 20:40:54** said that staff supports the configuration with the road in the middle without sidewalks. Technically the road does have the same asphalt width that any other road in Ivory Highlands has. It does not have a park strip or sidewalk along the road, however, there will be sidewalks in front of the units on 6200 South and on 3200 West.

9.7 **MOTION FOR AGENDA #9. Commissioner Barbour 20:42:58** - I move that File #46C05 receives preliminary approval with staff recommendations, to include that the road be public. I do think this is a nice project, however, I am disappointed that we could not have worked through this a little better. **Commissioner Calacino** - You may want to add #14 that the road be a public street and that you encourage the applicant to submit an exception request to the roadway standards ordinance to modify the right of way width to accommodate the minimum necessary to make it a public right of way, which more than likely would be 30' to back of curb to back of curb, possibly 32' to allow a foot from back of curb to back of curb for the future right of way line. **Commissioner Barbour** - That will be fine.

SECOND: Commissioner Calacino. 20:44:25 I would like to modify the motion in that being that it would become a public road that the density be calculated less the right of way area once the right of way has been determined, as #15. **Commissioner Barbour** - That is fine.

DISCUSSION: Commissioner Daniels 20:45:23 - I am also in favor of the motion as stated by my fellow commissioners and add that I came to this conclusion in addition to the most relevant public comment that has been brought about and it is almost like a quiet outcry for a public road in this community and to take another look at the density. **Commissioner Jensen 20:46:01** - I like the design the way it is and I don't have a problem with the density. I am saying that because of the geographic character of the property. I would hate to see open space sacrificed in the name of density. The density is okay and I think it should be a public road. It is already wide enough to be a public road. It is safe for pedestrians. There is access and ample open space. I wish it was a simple matter of semantics in saying that it is a public, not private road. **Commissioner Calacino** - Maybe we should add a clarification that the architecture of the buildings and landscaping should be fairly representative of what has been submitted in our packet this evening.

Commissioner Jensen restated the motion regarding Item #9, proposed planned unit development containing 38 units, #46C05 with staff recommendations 1 through 13 and adding #14 and #15 as stated by **Commissioner Barbour and Commissioner Calacino**.

VOTE:

Commissioner Daniels	AYE	Commissioners Smith	AYE
Commissioner Calacino	AYE	Commissioner Barbour	AYE
Commissioner Bolton	AYE	Commissioner Jensen	AYE

Motion passes unanimously.

Agenda Item #10. Staff recommends approval of Agenda Item #10, File #5S06 with the following conditions:

1. That the final plat be consistent in form and content with city standards. A list of city standards can be found in Title 12 of the Taylorsville Code of Ordinances.
2. That the subdivision receives technical approval by the City Engineer or his designee prior to recording the final plat.
3. That an island be installed in 3200 West to limit the access to and from the private road to right in and right out only.
4. That a statement be included on the final plat regarding no city maintenance of the private road.
5. That the sidewalk along 3200 West be improved to meet City standards, including the installation of a park strip.
6. That the public improvements be installed as indicated on the site plan, including the removal of the stamped concrete along 6200 South and installation of vegetation in the park strip.
7. That the City record the final plat with the County.

8. That the final plat is reviewed and approved by staff.

10.1 **Commissioner Jensen** asked Mr. McGrath to explain the motion needed for Agenda Item #10. **Mr. McGrath** replied that right now there is subdivision that matches the proposal, however, the proposal has been amended. **Mr. Norris** said that it just needs to match the approved site plan. All subdivisions must comply with the zoning ordinance. **Mc. McGrath** added that an approval can be given contingent upon the new subdivision plat. **Commissioner Calacino** suggested creating a subdivision plat that has zero lot lines where the buildings have a common wall and then the road would be public and the open space would be part of the overall open space for Ivory Highlands. **Mr. Norris** said that primarily it is easy to amend the plat to meet the approval of the conditional use permit.

10.2 **MOTION FOR AGENDA ITEM #10: Commissioner Calacino 20:49:44 – I will make a motion based on the oral testimony received this evening and findings of fact presented that we grant preliminary approval of Subdivision File 5S06 for development proposed at 3200 W. 6200 S. and that the subdivision and final plat be in accordance with applicable City ordinances and match approvals of the conditional use permit for the subject property with the eight conditions of approval outlined in the staff report.**

SECOND: Commissioner Barbour. 20:51:34

VOTE:	Commissioner Daniels	AYE	Commissioners Smith	AYE
	Commissioner Calacino	AYE	Commissioner Barbour	AYE
	Commissioner Bolton	AYE	Commissioner Jensen	AYE
Motion passes unanimously.				

SUBDIVISION

11. 7S06	<u>Linda Allen, 2860 & 2880 West 5400 South</u> – 4-Lot Subdivision (Nick Norris/City Planner)
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20:53:27

11.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing a 4 lot residential subdivision on this site. There are two existing homes on the lot, which would stay and be on the two lots that front on 5400 South (Lot 1A and Lot 2A). Lot 1A is proposed to be 10,012 square feet. Lot 2A is proposed to be 10,150 square feet. Lot 1B is a deep lot and is proposed to be 14,480 square feet. Lot 2B is a deep lot and is proposed to be 14,892 square feet. Each lot will be accessed by a private driveway. Lots 1A and Lot 2A will have two driveways. Lot 2A currently has a circular driveway. The Applicant has altered the site plan slightly. **20:54:51** With the previous site plan, the two driveways per lot violated City ordinance, also that the driveway width was not sufficient to provide emergency access. The Fire Department requires at least 20'. The amended site plan shows some of the land for the private driveways to Lot 1B and 2B connected those to the lots. They are no longer part of Lot 1A and Lot 2A. To accommodate the loss of square footage, Lots 1A and 2A were made deeper. Because of the late changes in the subdivision plan, staff has not had a chance to thoroughly analyze the updated preliminary plat and felt it may be beneficial to continue this application to the second Tuesday in May, 2006. However, if the Planning Commission feels that this proposal does meet City ordinance and wishes to move forward, **staff recommends the following conditions:**

1. That the 4 lots utilize a single, common private street for access and that the access be controlled to allow right in and right out movements only.
2. That the private drive be a minimum of 20 feet wide and be approved by all applicable agencies.
3. That the existing curb cuts that are not used be removed and the curb, gutter and park strip be installed in their place.
4. That a cross access agreement be recorded with the recording documents.
5. That the access receives approval and all necessary permits from UDOT.
6. That the applicant prepares a storm drainage plan and that the plan be approved by the City Engineer prior to a final plat being prepared.
7. That the stamped concrete be removed from between the curb and sidewalk and that it be plated with suitable vegetation that includes street trees.
8. The preliminary subdivision plan receives approval from the Unified Fire Authority.
9. That the preliminary subdivision receives approval from all other applicable agencies.
10. That Lots 1B and 2B are subject to the deep lot review policy of the City of Taylorsville.
11. That if there are any issues that cannot be resolved between staff and the applicant, the issue be presented to the Planning Commission for a decision.
12. That the subdivision is recorded in a manner that is consistent with City and County requirements.
13. That final review and approval is performed by the Planning Commission.

11.2 **DISCUSSION:** Commissioner Barbour asked if any approval had been received from UDOT and Mr. Norris advised approval had been received with a shared access, which is staff's preference. Commissioner Barbour expressed concerns about 5400 South in general and Commissioner Calacino asked if UDOT has plans to install a median on 5400 South in the near future. Mr. Norris said he was not aware of plans to do that for this particular area, however, that re-striping is planned. One of the biggest issues with this proposal is the offset intersection. [20:59:34](#) Commissioner Calacino said that technically the design would meet requirements of deep or flag lots wherein the properties could share with cross access agreements.

11.3 **APPLICANT ADDRESS:** Linda Allen [21:05:14](#) responded to staff recommendations saying there is a deep lot directly east of this site. All adjoining parcels are single family residential. The two on the north and one on the northeast are nicer homes, which the homes proposed to be built in the back would match in quality. The lots are a little over 1/3 acre in size. Ms. Allen advised that she received the staff report and submitted responses to staff. Some issues were City Engineering over-sights and have been corrected on the new site plan, such as wider driveways. There was question about the fire access and in talking with staff earlier, she felt that at the back of the park strip where the driveway split, it may be advisable in the interest of safety to actually join the driveway to create a "T" type turn around. Some of the original 12 staff recommendations for the preliminary stage no longer apply because of changes made to the plat. There was a recommendation that the stamped concrete be removed and replaced with landscaping, which she was willing to do. Commissioner Calacino commented that the home to the west technically has two driveways and he wanted to know which one served the garage. Ms. Allen showed the drive situation on the image displayed on screen and explained the proposed driving pattern and discussed the setback requirements. [21:13:25](#) Mr. Norris said that the minimum side yard setback for this zone would be at least 8' one side and 10' on the other, for a total of 18'. Ms. Allen said that would leave one side short a little. [21:14:49](#) Commissioner Bolton said the question seems to be the distance, with 9' on one side and 6' on the other. Ms. Allen said it was placed that way to keep the right of way from being right next to the bedroom. [21:15:26](#)

11.4 **SPEAKING:**

1. Loni Blake (lives directly north of the entire property). [21:17:45](#). She advised that all present lots are half acre lots and she was worried that putting four homes on this site would devalue her property. She also would like the issue of her water share addressed. [21:18:25](#)
2. Guy Peterson (lives directly northeast of this site). In his opinion, the homes on 5400 South are an eyesore and he would like to see his property value enhanced by whatever is going to go in there. He was concerned about the access for the two new homes. [21:19:01](#)
3. Michael Gabez (lives in close proximity). He felt the developer would not be able to match the quality of homes in the surrounding area due to the smaller lot sizes and also had a concern about the drive approach. [21:19:53](#)
4. Blake Gilbert (backyard backs onto this site). He felt that this would create a safety hazard due to traffic and poorly planned access. [21:21:12](#)
5. Joann Good (lives directly east). She has an acre lot and said there is no way the applicant can get the size lots being proposed. Ms. Good was concerned with how more cars from these homes could safety access 5400 South. She wanted the middle lane left as is on 5400 South. [21:22:12](#).

11.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:** Commissioner Jensen asked staff to discuss the density issues and the water share easement. Mr. Norris responded saying that any canal easements need to be in place. On the density, the A-1 zone, which these properties are within, has a minimum lot size of 10,000 square feet. Lot 1A in front would be 10,043 square feet, Lot 1B, 14, 449, Lot 2B, 14, 799 (about one third acre). [21:24:44](#). Ms. Allen [21:25:52](#) expressed concern about the driveway on the north side, saying that it would only service a garage at the side of the home and would not go back any further. The intent is to leave the trees where they are.

- 11.6 **MOTION:** Commissioner Barbour – I think there is a lot more to be done on this. There is such a thing as property rights involved. However, there are a lot of issues that need to be worked through, whether it is three lots, four lots or whatever with the inclusion of proper drive accesses, proper setbacks, etc. For that reason, I would move that we table this until our next meeting. [21:26:46](#) Mr. Norris – The next meeting is scheduled for May 9, 2006.
- SECOND:** Commissioner Daniels. Commissioner Daniels commended the applicant for her efforts to better fit her project on this site.

Commissioner Jensen restated the motion to continue this application until May 9, 2006 in order to work through all the issues involved.

DISCUSSION: 21:27:54 Commissioner Barbour advised that she was interested in the status of the re-striping planned for 5400 South. Mr. McGrath said that the middle lanes were being proposed to be removed and sound walls proposed to be installed along 5400 South.

VOTE: All Commissioners present voted in favor of this motion. Motion passes unanimously.

ZONING TEXT CHANGE

- | | | | |
|-----|------|--|--------|
| 12. | 4Z06 | <u>City of Taylorsville</u> – Zoning Text Change to Allow Promotional Sign Boards as a Permitted Use in all zones for Public and Quasi Public Uses and to Allow Electronic Message Centers as a Conditional Use in all Zones for Public and Quasi Public Uses.
(Nick Norris/City Planner) | (Nick) |
|-----|------|--|--------|

12.1 Mr. Norris gave an overview of the present and proposed changes to amend Ordinance 13.48.190 Chart. 21:36:29 Commissioner Jensen wanted to know if there was any way to control the level of illumination levels during the evening. Mr. Norris advised he was not aware of anything, other than through the conditional use review process. 21:38:00 Commissioner Calacino 21:38:32 said that he has previously dealt with message center signs in the County and knows that the brightness and colors can be changed and varied up or down. Commissioner Jensen wanted to know if a condition could be put in to deal with that issue. Commissioner Calacino added that specific conditions could be placed on individual signage requests during the conditional use review process. 21:39:56

12.2 SPEAKING: None.

12.3 MEETING WAS CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:

12.4 MOTION: Commissioner Daniels 21:41:03 – I move that the Commission sends a positive recommendation to the City Council for File #6Z06.
SECOND: Commissioner Calacino
VOTE: All Commissioners voted in favor. Motion passes unanimously.

OTHER BUSINESS:

Mr. McGrath advised he had received a verbal request from the applicant that prior to the meeting adjourning tonight there be a reconsideration of the vote on Item #9. Commissioner Jensen asked for the reason for the request to reconsider the motion and was informed that it was the opinion of the applicant that it was not an appropriate vote.

MOTION:: Commissioner Daniels suggested that the applicant be offered the opportunity to be re-heard. Commissioner Jensen asked if that was a motion to reconsider and Commissioner Daniels said that to be fair, if the applicant took the time to stay back and chat with staff and he requests such, he was willing to entertain that. 21:44:01

SECOND: Commissioner Calacino

<u>VOTE:</u>	<u>Commissioner Daniels</u>	<u>AYE</u>	<u>Commissioner Smith</u>	<u>NAY</u>
	<u>Commissioner Calacino</u>	<u>NAY</u>	<u>Commissioner Barbour</u>	<u>NAY</u>
	<u>Commissioner Bolton</u>	<u>AYE</u>	<u>Commissioner Jensen</u>	<u>AYE</u>

Motion to reconsider ended in a tie-vote, therefore, motion fails.

ADJOURNMENT: By motion of Commissioner Daniels and second by Commissioner Calacino, the meeting was adjourned at 9:47 p.m.

Respectfully submitted by:

Jean Gallegos, Administrative Assistant
Planning Commission

Approved in meeting held on June 13, 2006.